

CITY COUNCIL MINUTES**July 23, 2012****REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 23, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER**ROLL CALL:**

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: none

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Administrative Services Director Andy Heath, Transit Analyst Megan Siren and Police Chief John Ruffcorn.

By **MOTION**, add the Connolly vs. City of Auburn case to closed session.

MOTION: Nesbitt/ Powers/ Approved 5:0

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Powers/ Unanimously approved by voice

Conference with Legal Counsel:

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation:

(G.C. 54956.9(a))

Joseph G. R. Labrie, Auburn City Clerk v. Board of Supervisors for the County of Placer, Jim McCauley, County Clerk-Record-Registrar of Voters (James Earp, Hank Gonzales and California Alliance for Jobs, Real Parties in Interest), Placer County Superior Court Case No. SCV-0030835

Pending Litigation:

(G.C. 54956.9(a))

Victoria Connolly, First Amendment Coalition v. City of Auburn, Auburn City Council, Placer County Superior Court Case No. SCV-0031261

REPORT OUT OF CLOSED SESSION

Mayor Hanley reported that the City has declined to appeal the recent decision in regards to attorney fees in the Labrie vs. Board of Supervisors case. He also said there was no reportable action in the Connolly vs. City of Auburn case.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Hanley presented the Grand Oaks Open Space Fire Safety Program Commendation.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. Minutes

By **MOTION**, approve the minutes of June 25, 2012 and July 9, 2012.

2. Quarterly Report of Investments – Quarter Ending March 31, 2012

Receive, review and file the "City of Auburn Quarterly Investment Report" for the quarter ending March 31, 2012.

3. Multi Modal Light Enhancement Project – Award & Environmental

By **MOTION**, find the Multi Modal Light Enhancement Project exempt from the California Environmental Quality Act (CEQA) per section 15301 (Existing Facilities).

By **RESOLUTION 12-86**, authorize the Director of Public Works to enter into a construction agreement with Norris Electric for the Multi Modal Light Enhancement Project.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Powers/ Nesbitt/ Approved 5:0

4. Public Comment

Ralph Smith, State Farm Insurance Agent at 430 Grass Valley Highway, spoke about public safety issues on the walkway behind his building.

Michael Otten, President of Placer County Historical Society, announced the Heritage Trail event Aug 11-12th, 2012. He also spoke about the buildings that will be on this tour.

Joe Labrie, City Clerk, read the summary report from the Brown Act Committee in regards to the recent suspension of the Brown Act as part of the Assembly Bill 1464, the Budget Act of 2012 (report available with agenda as part of the permanent record).

City Attorney Michael Colantuono said although funding from the State was suspended for the Brown Act, he advises the Council continue current practice and procedures.

COUNCIL BUSINESS

5. Review of City's Email Retention Policy

City Manager Bob Richardson presented this item. He said the new policy treats email as a public record that will be retained for two years and made available to the public upon their request. He said improvements will be needed to the City's server system to handle the increased retention. He said all email exchanges between City Officials and Staff on matters of City Business will be subject to this policy. He said emails exempt from this policy include: emails to or from Auburn residents/ business owners/ property owners to Council Members not sent to a city issued email address and emails sent or received by City Officials in their personal/professional lives unrelated to city business.

City Attorney Michael Colantuono reviewed revisions to the policy made after receiving comment.

Council Member Nesbitt asked about the increased storage capacity needs.

Bob Richardson said he believes the cost may be around \$46,000 for a stand alone package but the city will attempt to achieve a cost savings by combining it with other necessary upgrades. He said a proposal will be brought back to Council at a future meeting.

Council Member comments followed regarding support this new policy while still protecting their first amendment rights.

Council Member Kirby asked about new business cards listing a city issued email address.

Mayor Hanley said the ability for an individual to contact a Council Member privately is important. He spoke about the recent law suit in regards to making emails public.

Council Member Holmes asked for clarification in regards to private contact phone numbers being used.

By **RESOLUTION 12-87**, amend the City's policy regarding the retention of email including the amendments the City Attorney outlined.

MOTION: Nesbitt/ Holmes/ Approved 5:0

6. **CalPERS Contract Amendment Ordinance – 1959 Survivor Death Benefit Program (Police)**

Finance Director Andy Heath presented this item. He said this ordinance was placed on the consent calendar and passed June 25, 2012 but due to a CalPERS requirement it cannot be approved via consent calendar. The final adoption of the ordinance must take place during Council Business.

Waive full reading and re-adopt **ORDINANCE 12-03** to amend the contract between the City of Auburn and CalPERS, providing Section 21754 (Forth Level of Survivor Death Benefits) for local police members.

MOTION: Powers/ Holmes/ Approved 5:0

REPORTS

7. **City Council Committee Reports**

Council Member Powers reported on the Industry 2012 event at the Auburn Airport. She reported on the Economic Development Commission's work on recruiting business owners for this event.

Council Member Kirby reported on the Placer Nevada County Wastewater Authority and the work being done on the regional wastewater treatment project. He spoke about the Middlefork funds and the effect on Auburn ratepayers. He also reported on Auburn Movie Night and the plan to move the Old Town movies next year to avoid street closures.

Council Member Holmes reported on the new board members for the Old Town Business Association. He said the Old Town Auburn Preservation Society has a fundraiser this Thursday to raise funds for the Medical Museum. He reported that the Auburn Chamber of Commerce Board of Directors voted to move their business to the "Old City Hall" next to the Placer County Visitors Bureau.

Council Member Nesbitt reported on the Placer County Transportation Planning Agency combining their July and August meeting, to August 25th. He also spoke about the marketing being done by the Economic Development Commission. He reported on an upcoming meeting of the Streetscape History and Art Advisory Committee. He reported on the committee forming to put together a proposal for the Amgen bike race.

Mayor Hanley reported on the Greater Auburn Area Fire Safe Council meeting held last week where they discussed goats for vegetation control, had a report by Calfire on the Robbers fire, and discussed the ability to use bulldozers in "wild and scenic" areas.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 6:51 p.m.

Kevin Hanley, Mayor

Joseph G. R. Labrie, City Clerk

CITY COUNCIL MINUTES

**August 13, 2012
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, August 13, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Associate Planner Lance Lowe, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Powers/ unanimously approved by voice

1. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: Auburn Police Officers Association

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Appointment to the Library Advisory Board**

By **RESOLUTION 12-88**, appoint Michael Otten to the Library Advisory Board.

2. **2012 Street Overlay Project – Dairy Road – Environmental Determination and Permission to Advertise**

REMOVED FROM CONSENT CALENDAR. See item 5a.

3. **Sierra Nevada Conservancy Proposition 84 Grant Program Agreement Number 567**

By **RESOLUTION 12-90**, authorize the Fire Chief to sign the Sierra Nevada Conservancy Proposition 84 Grants Program Agreement Number 567.

4. **Second Reading – Ordinance to Rezone ±1.9 Acres Located at 211 Brook Road**

Hold a Second Reading, by Title Only, and adopt an **ORDINANCE 12-04** to Rezone ±1.9 acres located at 211 Brook Road from Residential Single Family, Minimum Parcel Size 10,000 square feet (R-1-10) to Open Space Conservation (OSC).

5. **Update to the Recognized Obligation Payment Schedule**

By **RESOLUTION 12-91**, approve and adopt an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177.

***** End of Consent Calendar *****

By MOTION, approve the consent calendar with the exception of item 2.

MOTION: Holmes/ Powers/ Approved 5:0

5a. **2012 Street Overlay Project – Dairy Road – Environmental Determination and Permission to Advertise**

Victoria Connolly, resident of Auburn, asked if this project is impacted by the anticipated increase of traffic expected from the Walmart project.

Director of Public Works Bernie Schroeder, said this a maintenance project that is a federally funded project and has gone through an extensive environmental review process.

Council Member Kirby asked about the Walmart project and the related effect on the roadway.

Jack Poulsen, resident of Auburn, asked about the limits of the project. He expressed concern about drainage problems not being addressed.

Bernie Schroeder said the overlay is from Luther Road to Auburn Ravine Road, with the exceptions of a few areas that already have been approved. She addressed drainage improvements in the area.

By **RESOLUTION** 12-89, find the 2012 Street Overlay Project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (c) Existing Facilities.

By **MOTION**, authorize the Director of Public Works to advertise for the 2012 Street Overlay Project – Dairy Road pending approval from Caltrans.
MOTION: Holmes/ Nesbitt/ Approved 5:0

6. **Public Comment**

Victoria Connolly, resident of Auburn, spoke about the recent settlement in regards to the City's new email policy. She addressed new business cards, public records law and information on the City's website. She referred to government code 6252 (b) (document she provided is included in permanent record).

Brian Hayes, resident of Auburn, commended the Council on their actions during the past couple years. He spoke in support of the direction Auburn is headed in. He offered to contribute funds from the revenue of his parking lot towards an effort to show appreciation of the other local business owners.

Joseph Labrie, City Clerk, addressed his public comment from the previous City Council meeting in regarding to the suspension of the Brown Act. He said he is concerned with secrecy in government. He said his comment was not intended to offend the Council.

COUNCIL BUSINESS

7. Communication Telephone/ Voicemail System Upgrade

Administrative Services Director Andy Heath introduced this item. He reviewed the City's existing telephone system.

Richard Owens, Chair of the Technology Commission, explained the request for proposals "RFP" process that took place. He said nine responses were received and analyzed. He explained the difference between the hosted system and an on-site system. He said a hosted system with Mahogany Communications Inc. is the Commission's recommendation for the City.

Andy Heath then explained some benefits to a hosted solution including reduced equipment and maintenance costs. He explained how the proposed system would work and proposed costs. He spoke of many of the features of the proposed system (presentation available in the City Clerk's office).

Council Member Powers asked about local communication companies as an option.

Council Member Kirby asked if all proposals were analyzed, monthly costs, new system features (specifically the "follow me" feature), ongoing training needs, and the anticipated life of the system.

Council Member Holmes asked about local control and data retention with a hosted system. He also asked about safeguards on the system in regards to security.

Council Member Nesbitt asked about the wording "mandatory" and "requirements" used in the RFP. He also asked about availability of the support center and possible lease options.

By **RESOLUTION 12-92**, authorize the City Manager or his designee to execute a three-year Network Service and Lease Agreement with Mahogany Communications, Inc. as it relates to the installation of a hosted Voice Over Internet Protocol (VOIP) Telephone and Voicemail System in an amount not to exceed \$50,020 in year 1, \$40,620 in year 2 and \$40,620 in year 3.

MOTION: Powers/ Holmes/ Approved 5:0

The Council Members thanked the Technology Commission for all their hard work on researching the new system.

8. **Citywide Technology Enhancements**

Administrative Services Manager Andy Heath presented this item (report available in staff report).

Council Member questions followed regarding: (1) Number of users, (2) budgeted funds, (3) differences in the new version of Microsoft Office and (4) remaining support service year on Microsoft Office 2003.

Council Member comments followed regarding antiquated systems and the need to update the software.

City Manager Robert Richardson clarified that this upgrade is not related to the new email policy the city recently adopted.

By **RESOLUTION 12-93:**

1. Execute a purchase order with J-4 systems for 60 Microsoft Office Professional Plus 2010 Licenses and related implementation services in an amount not to exceed \$34,318.60; and
2. Execute a purchase order with J-4 Systems for the hardware and implementation services necessary to upgrade the City's E-Mail and archiving technology platform to Microsoft Exchange 2010 in an amount not to exceed \$48,184.07.

MOTION: Powers/ Nesbitt/ Approved 5:0

9. **Capital Improvement Program 2012/13 – 2015/16**

Public Works Director Bernie Schroeder presented this item (available in the City Clerk's Office). She reviewed the purpose, structure and format of the Capital Improvement Program (CIP). She then reviewed each of the 7 programs included: Airport, Sewer, Transportation, Transit, Equipment, Facilities and General Community.

City Manager Robert Richardson said although there was not a CIP in the past few years due to the economic situation, capital projects continue to move forward. He said this CIP plan helps to begin to rebuild the basic infrastructure within all the City Departments. He also discussed the proposed work to be completed at East Street and Lincoln as a continuation of Streetscape.

Discussion followed regarding "Streetscape Phase 3" and what projects it would entail.

Council Member Powers asked about mid-year budget adjustments and identified projects.

Council Member Holmes asked for further information regarding Streetscape future phases, the LED Light Conversion project funding, the Sewer Collection System, and the Palm Avenue Safe Routes to School project.

City Manager Robert Richardson said he will be providing the Council more details in regards to financing before the CIP is finalized.

Mayor Hanley asked for a Brewery Lane Parking Lot status update. Council Member Holmes said after negative feedback during a public hearing, it was decided not to move forward with the proposed parking plan.

City Manager Robert Richardson also provided an update on the Brewery Lane parking lot project.

Mayor Hanley said he would like to see the Brewery Lane project on the CIP, even if unfunded. He spoke of the helpful layout of the CIP. He said the street overlay program should be looked at to confirm it has adequate funding.

Richard Sanborn, resident of Auburn, asked if Brewery Lane is listed on the street overlay project. He said he is concerned with the current condition of the road. He continued to address issues with Brewery Lane.

Bernie Schroeder addressed his question and indicated where it is located in the plan.

10. **Street Naming Process for Auburn**

Mayor Hanley introduced this item. He said currently a developer is allowed to name new city streets. He said he would like to see the history of Auburn honored through the SHAAC committee and develop a list of potential street names for future use (specifically in the Baltimore Ravine project). He said he would like this process to include the public's participation through the Auburn Journal.

Council Member conversations followed regarding whether the list of street names would be mandatory or up to the developer's discretion. Council Member Powers said she has concerns about forcing the developer to use city issued street names. Council Member Kirby said he disagrees and feels the community should have a say in the local street names.

Council Member Holmes asked for clarification on the details of the list and SHAAC's involvement. He spoke of other housing developments in Auburn and how those street names were determined.

Mayor Hanley said he would like to see SHAAC come up with 20 potential street names. He said the SHAAC has studied the history of Auburn and includes the City Historian. He said he would like the list of 20 names, in front of City Council to determine the final top ten list.

Council Member Nesbitt said he agrees that this is an appropriate task for the SHAAC committee.

Michael Otten, resident of Auburn, spoke in favor of the idea. He said the Post Office should be contacted to confirm the street names do not already exist. He suggested street names for the Baltimore Ravine area based on the history of that area. He spoke in opposition of making it a "popularity contest" through the local newspaper.

Richard Sanborn, resident of Auburn, said some existing street names are confusing. He said the names should be reviewed. He said all city thoroughfares should be named.

Mayor Hanley said a city street index should be used to confirm the street names do not already exist. He said he feels it is the consensus of the Council to not send this as a "voting" item to be published in the Auburn Journal.

Council Member Powers said she is not opposed to the concept of naming streets after great people of the community, but is concerned they are all one-word names. She said this will affect the Baltimore Ravine project and the developer should be contacted prior. She asked if other communities have done this in the past.

Council Member Kirby said this is a great idea, and work in progress. He said he supports street names that are not limited to just people, but possible historic places appropriate for that area.

Council Member Nesbitt said he supports the idea and also feels the names should not be limited to "one-word". He feels a discussion can be had with the developer to come to an agreement on street names.

Council Member Holmes said he would like to see criteria to say "no living person" would be included in the possible street name list.

By **MOTION:**

1. Direct the Streetscape History and Arts Advisory Committee (SHAAC) to examine Auburn's history and develop a list of 20 names for new streets that are currently not being used as per the City of Auburn Street Index.
2. Direct SHAAC to: (a) develop the list based on prominent people/ places that had a very strong connection to Auburn and that made a positive contribution to Auburn; and (b) for each name/place provide a one-sentence description of why the street should be named after that particular person/place (criteria: no living person shall be nominated)
3. Direct SHAAC to provide the City Council with all 20 potential street names and their top 10 recommended street names that should be used for new street names in the Baltimore Ravine project and other future in-fill projects.
4. Direct staff to review current city ordinances and return with any recommendations.
5. Direct staff to communicate with the developer and report back to City Council.

MOTION: Hanley/ Kirby/ Approved 5:0

REPORTS

11. City Council Committee Reports

Council Member Nesbitt reported on the SHAAC committee and their work on engraving tiles in Central Square and their discussion on the future for the third interpretative sign possibly holding a "walking map".

Council Member Holmes said for the past three weekends, the Placer Community Theater has presented the Nine-to-Five musical benefitting Auburn Cancer Endowment Fund. He reported on the "Walking Tour" map being put together by the City Historian. He reported the Placer County Air Pollution District budget was approved this last week and says he hopes we will be applying for more "Clean Air Grants". He reported that the Executive Director of the California Air Resources Board gave a presentation on AB 32 regarding reducing greenhouse gases.

Council Member Powers reported on the Economic Development Commission marketing campaign to bring businesses into Auburn.

City Manager Robert Richardson also spoke about the EDC Campaign. He said the first release was to 1,700 manufacturing CEO's and the

response was 24% on the videos, which is much higher than typical. He said 6 total messages will be sent out and ultimately contact 15,000 CEO's.

Council Member Kirby reported the final Auburn Movie Night of the summer was held last week. He reported on the Regional Sewer article in the Auburn Journal recently clarifying some main points and Auburn's position on the regional solution. He said the ball is in The Board of Supervisor and Lincoln's court, and the City of Auburn is in the game and focused on protecting their ratepayers.

Mayor Hanley reported on SACOG and redevelopment legislation.

ADJOURNMENT

Mayor Hanley adjourned with the meeting, without objection, at 8:22 p.m.

Kevin Hanley, Mayor

Joseph G. R. Labrie, City Clerk